

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

SUBPART 10
LAND EXCHANGE FACILITATION FUND

324.2130 Definitions.

Sec. 2130. As used in this subpart:

- (a) "Board" means the Michigan natural resources trust fund board established in part 19.
- (b) "Fund" means the land exchange facilitation fund created in section 2134.
- (c) "Land" includes lands, tenements, and real estate and rights to and interests in lands, tenements, and real estate.

History: Add. 1995, Act 60, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.2131 Designation and sale of surplus land; restrictions.

Sec. 2131. (1) Except as otherwise provided in subsection (2) or (3), the department may designate as surplus land any state owned land that is under the control of the department and that has been dedicated for public use and may, on behalf of the state, sell that land if the department determines all of the following:

- (a) That the sale will not materially diminish the quality or utility of other state owned land adjoining the land to be sold.
- (b) That the sale is not otherwise restricted by law.
- (c) That the sale is in the best interests of the state, giving due regard to the variety, use, and quantity of lands then under the control of the department.
- (d) That 1 or more of the following conditions are met:
 - (i) The land has been dedicated for public use for not less than 5 years immediately preceding its sale and is not needed to meet a department objective.
 - (ii) The land is occupied for a private use through inadvertent trespass.
 - (iii) The sale will promote the development of the forestry or forest products industry or the mineral extraction and utilization industry in this state.

(2) The department shall not authorize the sale of surplus land as provided in subsection (1) if the proceeds from the sale of the land will cause the balance of the fund to exceed \$25,000,000.00.

(3) Except as provided in section 74102b, the department shall not designate as surplus land any land within a state park or state recreation area.

History: Add. 1995, Act 60, Imd. Eff. May 24, 1995;—Am. 2001, Act 174, Imd. Eff. Dec. 11, 2001;—Am. 2006, Act 308, Imd. Eff. July 20, 2006;—Am. 2012, Act 622, Imd. Eff. Jan. 9, 2013.

Popular name: Act 451

Popular name: NREPA

324.2132 Sale of surplus land; price; methods; sale to highest bidder; condition to acceptance of bid; notice; disposition of proceeds; quitclaim deed; consideration of application.

Sec. 2132. (1) Subject to subsection (2), the department may sell surplus land at a price established using the method that the department determines to be most appropriate, such as any of the following:

- (a) Appraisal.
 - (b) Appraisal consulting.
 - (c) A schedule adopted by the department for pricing property with uniform characteristics and low utility.
 - (d) The true cash value of nearby land as determined by the local assessor.
- (2) If the department offers tax reverted land for sale and the land is not sold within 9 months, the department may sell the land to a qualified buyer who submits an offer that represents a reasonable price for the property as determined by the department.
- (3) The sale of surplus land shall be conducted by the department through 1 of the following methods:
- (a) A public auction sale.
 - (b) A negotiated sale.
- (4) Subject to subsection (1), the sale of surplus land through a public auction sale shall be to the highest bidder.

(5) A notice of the sale of surplus land shall be given as provided in section 2133.

(6) The proceeds from the sale of surplus land shall be deposited into the fund.

(7) Surplus land that is sold under this subpart shall be conveyed by quitclaim deed approved by the attorney general.

(8) Each application, as later amended or supplemented, submitted by a private person under subsection (3)(b) for the purchase of the land identified in that application as a prospect for purchase, shall be considered and acted upon by the department to final decision, before any other application submitted at a later date by a different private person for the purchase or exchange of the same land.

History: Add. 1995, Act 60, Imd. Eff. May 24, 1995;—Am. 1998, Act 117, Imd. Eff. June 9, 1998;—Am. 2012, Act 240, Imd. Eff. July 2, 2012;—Am. 2012, Act 622, Imd. Eff. Jan. 9, 2013.

Popular name: Act 451

Popular name: NREPA

324.2133 Notice of sealed or oral bid public auction or notice of negotiated sale; publication and contents; list of surplus lands.

Sec. 2133. (1) A notice of a sealed or oral bid public auction sale of surplus lands shall be published at least once in a newspaper as defined in section 1461 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.1461 of the Michigan Compiled Laws, not less than 10 days before the sale. The newspaper shall be published in the county where the surplus lands are located. If a newspaper is not published in the county where the surplus lands are located, the notice shall be published in a newspaper in a county nearest to the county in which the lands are located. A notice shall describe the general location of the surplus lands to be offered at the sale and the date, time, and place of the sale. Upon request, the department shall furnish a list of surplus lands being offered for sale at public auction. The surplus land sale list shall include all of the following:

- (a) The date, time, and place of sale.
- (b) Descriptions of surplus lands being offered.
- (c) The conditions of sale.

(2) A notice of a negotiated sale of surplus lands shall be published at least once in a newspaper as defined in section 1461 of the revised judicature act of 1961 not less than 10 days before the department authorizes the sale. The newspaper shall be published in the county where the surplus lands are located. If a newspaper is not published in the county where the surplus lands are located, the notice shall be published in a newspaper in a county nearest to the county in which the lands are located. A notice shall describe the general location of the surplus lands offered in a negotiated sale and the date, time, and place that the department will meet to authorize the sale. Upon request, the department shall furnish a list of surplus lands being offered in a negotiated sale. The surplus land negotiated sale list shall include both of the following:

- (a) The date, time, and place that the department will meet to authorize the sale.
- (b) Descriptions of surplus lands being offered.

History: Add. 1995, Act 60, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.2134 Land exchange facilitation fund; creation; administration; money carried over.

Sec. 2134. (1) A land exchange facilitation fund is created in the state treasury. The fund shall be administered by the department and shall be used only as provided in section 2135.

(2) Any money, including interest earned by the fund, remaining in the fund at the end of a fiscal year shall be carried over in the fund to the next and succeeding fiscal years and shall not be credited to or revert to the general fund.

History: Add. 1995, Act 60, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.2135 Land exchange facilitation fund; use of money; purchase of land identified in recommendation; report.

Sec. 2135. (1) Money from the fund shall be used by the department only for the following purposes:

(a) Upon the recommendation of the department and authorization of the board, the purchase of land for natural resources management, administration, and public recreation that has been approved by the legislature for purchase pursuant to section 1908.

(b) The costs of advertising, appraisals, negotiations, and closings incurred by the department in the sale of

surplus land.

(c) The costs of appraisals, negotiations, and closings incurred by the department in the purchase of land authorized by this subpart.

(2) If the board does not authorize or reject a recommendation of the department to purchase land within 60 days, the department may purchase the land identified in the recommendation.

(3) The report required by section 506 shall include a summary of all the disbursements of money from the fund for the purposes enumerated in subsection (1).

History: Add. 1995, Act 60, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.2136 Construction of subpart.

Sec. 2136. This subpart does not limit the authority of the department to do 1 or both of the following:

(a) To exchange land as provided in subpart 3.

(b) To sell land as provided in the general property tax act, Act No. 206 of the Public Acts of 1893, being sections 211.1 to 211.157 of the Michigan Compiled Laws.

History: Add. 1995, Act 60, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA